

105TH CONGRESS  
1ST SESSION

# H. R. 773

To authorize the establishment of the National African-American Museum  
within the Smithsonian Institution.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 1997

Mr. LEWIS of Georgia (for himself, Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. BENTSEN, Mr. BONIOR, Ms. BROWN of Florida, Mr. BROWN of California, Ms. CHRISTIAN-GREEN, Mrs. CLAYTON, Mr. CLYBURN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DELLUMS, Mr. DIXON, Mr. ENGEL, Mr. ENGLISH of Pennsylvania, Mr. FALCOMA, Mr. FATTAH, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD, Mr. FROST, Ms. FURSE, Mr. GONZALEZ, Mr. GREEN, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. HINCHEY, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. McDERMOTT, Mr. MCGOVERN, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Ms. PELOSI, Mr. QUINN, Mr. RANGEL, Ms. RIVERS, Mr. ROMERO-BARCELÓ, Mr. RUSH, Mr. SCOTT, Mr. SHAYS, Ms. SLAUGHTER, Mr. STARK, Mr. STOKES, Mr. THOMPSON, Mr. TORRES, Mr. TOWNS, Mr. TRAFICANT, Mr. UNDERWOOD, Ms. WATERS, Mr. WATT of North Carolina, Mr. WYNN, Mr. WATTS of Oklahoma, Ms. MILLENDER-McDONALD, and Ms. KILPATRICK) introduced the following bill; which was referred to the Committee on House Oversight, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To authorize the establishment of the National African-American Museum within the Smithsonian Institution.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National African  
5       American Museum Act”.

6       **SEC. 2. FINDINGS.**

7       (a) FINDINGS.—The Congress finds that—

8               (1) the presentation and preservation of African  
9       American life, art, history, and culture within the  
10      National Park System and other Federal entities is  
11      inadequate;

12              (2) the inadequate presentation and preserva-  
13      tion of African American life, art, history, and cul-  
14      ture seriously restricts the ability of the people of  
15      the United States, particularly African Americans,  
16      to understand themselves and their past;

17              (3) African American life, art, history, and cul-  
18      ture includes the varied experiences of Africans in  
19      slavery and freedom and the continued struggles for  
20      full recognition of citizenship and treatment with  
21      human dignity;

22              (4) in enacting Public Law 99–511, the Con-  
23      gress encouraged support for the establishment of a  
24      commemorative structure within the National Park  
25      System, or on other Federal lands, dedicated to the

1 promotion of understanding, knowledge, opportunity,  
2 and equality for all people;

3 (5) the establishment of a national museum and  
4 the conducting of interpretive and educational pro-  
5 grams, dedicated to the heritage and culture of Afri-  
6 can Americans, will help to inspire and educate the  
7 people of the United States regarding the cultural  
8 legacy of African Americans and the contributions  
9 made by African Americans to the society of the  
10 United States; and

11 (6) the Smithsonian Institution operates 15  
12 museums and galleries, a zoological park, and 5  
13 major research facilities, none of which is a national  
14 institution devoted solely to African American life,  
15 art, history, or culture.

16 **SEC. 3. ESTABLISHMENT OF THE NATIONAL AFRICAN**  
17 **AMERICAN MUSEUM.**

18 (a) ESTABLISHMENT.—There is established within  
19 the Smithsonian Institution a Museum, which shall be  
20 known as the “National African American Museum”.

21 (b) PURPOSE.—The purpose of the Museum is to pro-  
22 vide—

23 (1) a center for scholarship relating to African  
24 American life, art, history, and culture;

1           (2) a location for permanent and temporary ex-  
2       hibits documenting African American life, art, his-  
3       tory, and culture;

4           (3) a location for the collection and study of ar-  
5       tifacts and documents relating to African American  
6       life, art, history, and culture;

7           (4) a location for public education programs re-  
8       lating to African American life, art, history, and cul-  
9       ture; and

10          (5) a location for training of museum profes-  
11       sionals and others in the arts, humanities, and  
12       sciences regarding museum practices related to Afri-  
13       can American life, art, history, and culture.

14   **SEC. 4. LOCATION AND CONSTRUCTION OF THE NATIONAL**  
15                   **AFRICAN AMERICAN MUSEUM.**

16       The Board of Regents is authorized to plan, design,  
17       reconstruct, and renovate the Arts and Industries Build-  
18       ing of the Smithsonian Institution to house the Museum.

19   **SEC. 5. BOARD OF TRUSTEES OF MUSEUM.**

20       (a) ESTABLISHMENT.—There is established in the  
21       Smithsonian Institution the Board of Trustees of the Na-  
22       tional African American Museum.

23       (b) COMPOSITION AND APPOINTMENT.—The Board  
24       of Trustees shall be composed of 23 members as follows:

1           (1) The Secretary of the Smithsonian Institu-  
2           tion.

3           (2) An Assistant Secretary of the Smithsonian  
4           Institution, designated by the Board of Regents.

5           (3) Twenty-one individuals of diverse disciplines  
6           and geographical residence who are committed to the  
7           advancement of knowledge of African American art,  
8           history, and culture appointed by the Board of Re-  
9           gents, of which 9 members shall be from among in-  
10          dividuals nominated by African American museums,  
11          historically black colleges and universities, and cul-  
12          tural or other organizations.

13          (c) TERMS.—

14           (1) IN GENERAL.—Except as provided in para-  
15           graph (2), members of the Board of Trustees shall  
16           be appointed for terms of 3 years. Members of the  
17           Board of Trustees may be reappointed.

18           (2) STAGGERED TERMS.—As designated by the  
19           Board of Regents at the time of initial appointments  
20           under paragraph (3) of subsection (a), the terms of  
21           7 members shall expire at the end of 1 year, the  
22           terms of 7 members shall expire at the end of 2  
23           years, and the terms of 7 members shall expire at  
24           the end of 3 years.

1       (d) VACANCIES.—A vacancy on the Board of Trust-  
2 ees shall not affect its powers and shall be filled in the  
3 manner in which the original appointment was made. Any  
4 member appointed to fill a vacancy occurring before the  
5 expiration of the term for which the predecessor of the  
6 member was appointed shall be appointed for the remain-  
7 der of the term.

8       (e) NONCOMPENSATION.—Except as provided in sub-  
9 section (f), members of the Board of Trustees shall serve  
10 without pay.

11       (f) EXPENSES.—Members of the Board of Trustees  
12 shall receive per diem, travel, and transportation expenses  
13 for each day, including traveltime, during which they are  
14 engaged in the performance of the duties of the Board  
15 of Trustees in accordance with section 5703 of title 5,  
16 United States Code, with respect to employees serving  
17 intermittently in the Government service.

18       (g) CHAIRPERSON.—The Board of Trustees shall  
19 elect a chairperson by a majority vote of the members of  
20 the Board of Trustees.

21       (h) MEETINGS.—The Board of Trustees shall meet  
22 at the call of the chairperson or upon the written request  
23 of a majority of its members, but shall meet not less than  
24 2 times each year.

1 (i) QUORUM.—A majority of the Board of Trustees  
2 shall constitute a quorum for purposes of conducting busi-  
3 ness, but a lesser number may receive information on be-  
4 half of the Board of Trustees.

5 (j) VOLUNTARY SERVICES.—Notwithstanding section  
6 1342 of title 31, United States Code, the chairperson of  
7 the Board of Trustees may accept for the Board of Trust-  
8 ees voluntary services provided by a member of the Board  
9 of Trustees.

10 **SEC. 6. DUTIES OF THE BOARD OF TRUSTEES OF THE MU-**  
11 **SEUM.**

12 (a) IN GENERAL.—The Board of Trustees shall—

13 (1) recommend annual budgets for the Mu-  
14 seum;

15 (2) consistent with the general policy estab-  
16 lished by the Board of Regents, have the sole au-  
17 thority to—

18 (A) loan, exchange, sell, or otherwise dis-  
19 pose of any part of the collections of the Mu-  
20 seum, but only if the funds generated by such  
21 disposition are used for additions to the collec-  
22 tions of the Museum or for additions to the en-  
23 dowment of the Museum;

1 (B) subject to the availability of funds and  
2 the provisions of annual budgets of the Mu-  
3 seum, purchase, accept, borrow, or otherwise  
4 acquire artifacts and other property for addi-  
5 tion to the collections of the Museum;

6 (C) establish policy with respect to the uti-  
7 lization of the collections of the Museum; and

8 (D) establish policy regarding program-  
9 ming, education, exhibitions, and research, with  
10 respect to the life and culture of African Ameri-  
11 cans, the role of African Americans in the his-  
12 tory of the United States, and the contributions  
13 of African Americans to society;

14 (3) consistent with the general policy estab-  
15 lished by the Board of Regents, have authority to—

16 (A) provide for restoration, preservation,  
17 and maintenance of the collections of the Mu-  
18 seum;

19 (B) solicit funds for the Museum and de-  
20 termine the purposes to which those funds shall  
21 be used;

22 (C) approve expenditures from the endow-  
23 ment of the Museum, or of income generated  
24 from the endowment, for any purpose of the  
25 Museum; and



1 (D) consult with, advise, and support the  
2 Director in the operation of the Museum;

3 (4) establish programs in cooperation with  
4 other African American museums, historically black  
5 colleges and universities, historical societies, edu-  
6 cational institutions, cultural and other organiza-  
7 tions for the education and promotion of under-  
8 standing regarding African American life, art, his-  
9 tory, and culture;

10 (5) support the efforts of other African Amer-  
11 ican museums, historically black colleges and univer-  
12 sities, and cultural and other organizations to edu-  
13 cate and promote understanding regarding African  
14 American life, art, history, and culture, including—

15 (A) development of cooperative programs  
16 and exhibitions;

17 (B) identification, management, and care  
18 of collections;

19 (C) participation in the training of mu-  
20 seum professionals; and

21 (D) creating opportunities for—

22 (i) research fellowships; and

23 (ii) professional and student intern-  
24 ships;

1           (6) adopt bylaws to carry out the functions of  
2           the Board of Trustees; and

3           (7) report annually to the Board of Regents on  
4           the acquisition, disposition, and display of African  
5           American objects and artifacts and on other appro-  
6           priate matters.

7   **SEC. 7. DIRECTOR AND STAFF.**

8           (a) IN GENERAL.—The Secretary of the Smithsonian  
9           Institution, in consultation with the Board of Trustees,  
10          shall appoint a Director who shall manage the Museum.

11          (b) APPLICABILITY OF CERTAIN CIVIL SERVICE  
12          LAWS.—The Secretary of the Smithsonian Institution  
13          may—

14               (1) appoint the Director and 5 employees under  
15               subsection (a), without regard to the provisions of  
16               title 5, United States Code, governing appointments  
17               in the competitive service; and

18               (2) fix the pay of the Director and such 5 em-  
19               ployees, without regard to the provisions of chapter  
20               51 and subchapter III of chapter 53 of such title,  
21               relating to classification and General Schedule pay  
22               rates.

23   **SEC. 8. DEFINITIONS.**

24          For purposes of this Act:

1           (1) The term “Board of Regents” means the  
2       Board of Regents of the Smithsonian Institution.

3           (2) The term “Board of Trustees” means the  
4       Board of Trustees of the National African American  
5       Museum established in section 5(a).

6           (3) The term “Museum” means the National  
7       African American Museum established under section  
8       3(a).

9           (4) The term “Arts and Industries Building”  
10      means the building located on the Mall at 900 Jef-  
11      ferson Drive, S.W. in Washington, the District of  
12      Columbia.

13   **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

14      There are authorized to be appropriated such sums  
15   as may be necessary only for costs directly relating to the  
16   operation and maintenance of the Museum.

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